

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**In re: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION**

)
) **MDL No. 1456**
) **Master File No. 01-CV-12257-PBS**
)

) **Hon. Patti B. Saris**
)

THIS DOCUMENT RELATES TO:

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)
) *United States of America ex rel. Ven-A-Care of the*
) *Florida Keys, Inc., et al. v. Dey, Inc., et al.,*
) Civil Action No. 05-11084-PBS
)

CONSENT MOTION FOR AN EXTENSION OF THE DISCOVERY DEADLINE

Defendants, Dey, Inc., Dey L.P., and Dey L.P., Inc. (collectively, “Dey”), by and through their undersigned counsel, hereby submit this Consent Motion for an Extension of the Discovery Deadline. Plaintiffs, the United States of America, together with Relator Ven-A-Care of the Florida Keys, Inc., consent to the relief requested in this motion.

Dey requests an additional two months to complete fact discovery in this matter and, accordingly, to extend the remaining pretrial deadlines by two months. The June 22, 2007 Case Management Order (“CMO”) in this case, Docket 4406, establishes a fact discovery deadline of June 29, 2007. As described in the accompanying memorandum of law, while the parties have diligently attempted to comply with this deadline, it has become apparent that additional time will be needed for the completion of depositions, document productions, and third party discovery.

Given the current deadline and the amount of discovery left to be completed, Dey respectfully requests that this motion be considered on an expedited basis.

Local Rule 7.1(A)(2) Certification: I certify that I have conferred with counsel for Plaintiffs in a good faith attempt to resolve or narrow the issues in this motion. Plaintiffs have consented to the request for an additional two months for fact discovery.

Local Rule 40.3 Statement: There has been no pre-trial conference set for this action. This is the first motion for an enlargement of time to complete discovery filed in this matter.

Dated: May 9, 2008

Respectfully Submitted,

KELLEY DRYE & WARREN LLP

By: /s/ Neil Merkl
Paul F. Doyle (BBO # 133460)
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*Attorneys for Defendants Dey, Inc.
Dey, L.P., and Dey, L.P., Inc.*

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on May 9, 2008, a copy to LexisNexis File & Serve for posting and notification to all parties.

_____/s Neil Merkl